

# United States Court of Appeals for the Fifth Circuit

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No. 21-50949

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UNITED STATES OF AMERICA,

*Plaintiff—Appellee,*

*versus*

STATE OF TEXAS,

*Defendant—Appellant,*

ERICK GRAHAM; JEFF TULEY; MISTIE SHARP,

*Intervenor Defendants—Appellants.*

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Appeal from the United States District Court  
for the Western District of Texas  
USDC No. 1:21-CV-796

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Before STEWART, HAYNES, and HO, *Circuit Judges.*

PER CURIAM:

The emergency motions to stay the preliminary injunction pending appeal are granted for the reasons stated in *Whole Woman’s Health v. Jackson*, 13 F.4th 434 (5th Cir. 2021), and *Whole Woman’s Health v. Jackson*, 141 S. Ct. 2494 (2021). Judge Stewart dissents. The appeal is expedited. The Clerk will schedule this case for oral argument before the same panel that will hear the appeal in *Whole Woman’s Health v. Jackson*, No. 21-50792.

# ***United States Court of Appeals***

FIFTH CIRCUIT  
OFFICE OF THE CLERK

LYLE W. CAYCE  
CLERK

TEL. 504-310-7700  
600 S. MAESTRI PLACE,  
Suite 115  
NEW ORLEANS, LA 70130

October 14, 2021

MEMORANDUM TO COUNSEL OR PARTIES LISTED BELOW:

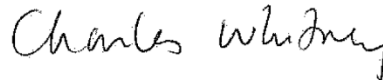
No. 21-50949 USA v. State of Texas  
USDC No. 1:21-CV-796

Enclosed is an order entered in this case.

An expedited briefing schedule will issue under separate cover.

Sincerely,

LYLE W. CAYCE, Clerk



By: \_\_\_\_\_  
Charles B. Whitney, Deputy Clerk  
504-310-7679

Ms. Jeannette Clack  
Ms. Kyle T. Edwards  
Mr. Thomas Molnar Fisher  
Mr. Mark Reiling Freeman  
Ms. Brianne Jenna Gorod  
Ms. Heather Gebelin Hacker  
Ms. Sarah Elaine Harrington  
Amy Snow Hilton  
Ms. Beth Ellen Klusmann  
Mr. Jonathan F. Mitchell  
Mr. Brian David Netter  
Mr. Leif A. Olson  
Mr. James Ryan Powers  
Mr. Michael S. Raab  
Mr. Alan E. Schoenfeld  
Mr. Andrew Bowman Stephens  
Mr. Judd Edward Stone II  
Ms. Laura Jean Thetford  
Ms. Natalie Deyo Thompson  
Mr. William Thomas Thompson  
Mr. Benjamin Walton  
Mr. Daniel Winik